

REPORT - PLANNING COMMISSION MEETING
January 23, 2003

Project Name and Number: MILNES ACCESSORY STRUCTURE (PLN2003-00039)

Applicant: Iain Milnes

Proposal: To consider a planned district minor amendment for an 888-square foot accessory structure (including a 444-square foot cellar) on a lot developed with a single-family dwelling

Recommended Action: Approve, based on findings and subject to conditions

Location: 47753 Avalon Heights Terrace (Warm Springs Planning Area)

Assessor Parcel Number(s): 519 1726-027-00

Area: 888-square foot structure on a 41,173-square foot (0.95-acre) lot

Owner: Iain Milnes

Agent of Applicant: None

Consultant(s): Mehdi Shamirza, Civil Engineer
MSI Consulting Engineers, Inc.

Pete Cullins, Building Contractor
M. L. Nielsen Construction

Alrie Middlebrook, Landscape Architect
Middlebrook Gardens

Environmental Review: Categorically exempt from environmental review per CEQA Guidelines Section 15303 (Class 3) pertaining to New Construction or Conversion of Small Structures

Existing General Plan: Open Space

Existing Zoning: P-90-9 Planned District

Existing Land Use: Single-family dwelling

Public Hearing Notice: Public hearing notification is applicable. A total of 27 notices were mailed to owners and occupants of property within 300 feet of the site on Avalon Heights Terrace and Belmont Terrace. The notices to owners and occupants were mailed on January 13, 2003. A Public Hearing Notice was delivered to *The Argus* on January 8, 2003, to be published by January 13, 2003.

Background and Previous Actions: The Planning Commission has previously indicated that it wishes to review accessory structures proposed for planned districts when they exceed 600 square feet in floor area. This policy was most recently affirmed on June 27, 1996.

Project Description: The homeowners at 47753 Avalon Heights Terrace propose to construct a 12-foot-high accessory structure with 444 square feet of floor area on the ground floor plus a full basement. The owners would use the ground floor of the structure as a location to play electronic musical equipment (with headphones) and for storage of domestic tools. The basement would be used as a wine cellar.

The property has a long continuous curved street frontage, wrapping from the front of the house around to one side. The structure would be located to the side of the house, lining up with the front of the house, 44 feet 8 inches from the front/side street lot line.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Open Space. Low-density residential uses are allowed in areas designated Open Space. The proposed project is consistent with the General Plan land use designation for the project site because the proposed accessory structure will be incidental to the low-density residential use of the property.
- **Zoning Regulations:** The property is zoned P-90-9 Planned District. The planned district conditions provide for a minimum 25-foot front yard. Setbacks not modified by the planned district are to be governed by the provisions of the Fremont Municipal Code.

The Municipal Code (Zoning Ordinance) provides that accessory structures may be located within 3 feet of any interior property line and may be up to 12 feet high. A 6-foot separation is required between structures. The proposed structure complies with the maximum height and all required setbacks.

- **Parking:** The proposed structure will not remove any existing parking. No additional parking is required for accessory structures (other than secondary dwelling units).
- **Open Space / Landscaping:** The property does not have any trees more than 4 inches in diameter. The structure will not be in the required rear yard and no minimum open space requirement applies.
- **Circulation / Access Analysis:** The proposed structure will be behind the existing driveway and will not interfere with site circulation.

Design Analysis:

- **Architecture:** The proposed structure will have a stucco finish painted to match the house. Pilasters will rise from brick features at each corner of the structure, matching similar features on the house. Windows will be similar in size, shape and detailing to windows on the house, and will have accent molding around them matching the window molding on the house. The structure will have a hip roof finished with tiles matching the roof of the house.

Many of the houses in this development were designed with accessory structures, resembling cottages, in front. The plan of the house built on this particular lot does not include such a detached accessory structure, although it does include a second attached garage where some plans include detached structures. The proposed accessory structure will be placed on the other side of the house from this garage. The proposed structure will be architecturally consistent with the house and with its surroundings (the other homes in this development).

- **Landscaping:** Front yard landscaping is subject to the review and approval of the homeowners association architectural committee. A condition of approval (No. B-5) is proposed requiring landscaping to be installed concurrently with construction of the proposed structure.
- **View Impacts:** This structure will not have a significant impact on views.

Grading & Drainage: The proposed structure will require little or no grading outside the actual building pad and therefore is not likely to require a grading permit. It also does not appear that the structure will interfere with site drainage. The City Engineer will review the project to ensure compliance with all grading and drainage standards as well as storm water pollution prevention standards.

Development Impact Fees: This project will not be subject to citywide Development Impact Fees. Impact fees are not required for additions to single-family homes or incidental structures other than dwelling units.

Environmental Analysis: This project is categorically exempt from environmental review per CEQA Guidelines Section 15303 (Class 3) pertaining to New Construction or Conversion of Small Structures.

Response from Agencies and Organizations: No public or utility agency or other organization has commented on this project. The Avalon Owners Association and the applicant's nearest neighbors have approved the project.

Enclosures:

Exhibit "A"	Site Plan
Exhibit "B"	Floor Plans and Elevations
Exhibit "C"	Findings and Conditions
Avalon Owners Association	Conditional Approval

Exhibits:

Exhibit "A"	Site Plan
Exhibit "B"	Floor Plans and Elevations
Exhibit "C"	Findings and Conditions

Recommended Actions:

1. Hold public hearing.
2. Find PLN2003-00039 is categorically exempt from environmental review.
3. Find PLN2003-00039 is in conformance with the applicable provisions of the General Plan.
4. Approve PLN2003-00039, as shown on Exhibits "A" (Site Plan) and "B" (Floor Plans and Elevations), based on the findings and subject to the conditions on Exhibit "C".

EXHIBIT "C"
Findings and Conditions of Approval
MILNES ACCESSORY STRUCTURE – (PLN2003-00039)
47753 Avalon Heights Terrace

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated January 23, 2003, which is incorporated herein by reference:

- (a) The proposed use is consistent with the General Plan for the reasons given in the staff report.
- (b) Since the proposed use will not increase the occupancy of this home and since the proposed use's location would be convenient to the existing driveway, it would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services.
- (c) For the above reasons, and because the structure as proposed will be architecturally compatible with the house and will not have a significant impact on views, the proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large.
- (d) For the above reasons and because the owner requires the additional space, the public convenience, necessity and general welfare necessitate the approval of this project.

CONDITIONS:

General

- A-1 One accessory structure with a cellar is approved, not to exceed 12 feet in height or 444 square feet of gross floor area per floor, in conformance with Exhibits "A" (Site Plan) and "B" (Floor Plans and Elevations).
- A-2 The Assistant City Manager (Development and Environmental Services Director) is empowered to make minor modifications to this approval in keeping with the overall intent hereof.
- A-3 Finish colors and materials shall match the corresponding colors and materials on the house exactly. Any requests for different colors or materials shall include color and/or material samples and a written description of the proposed change and shall be submitted to staff for review and approval.
- A-4 An approved automatic fire extinguishing system shall be installed as required by the adopted Building Code.
- A-5 The project shall conform to the City's requirements for Hazardous Fire Areas.
- A-6 Should the owner wish to install plumbing in the structure, the owner shall record in the Alameda County Recorder's Office a notice of limitation, subject to the review and approval of the City Planner, stipulating that the structure shall not be used as a dwelling (except as otherwise approved) nor shall it be furnished to accommodate use as a dwelling.

Next Steps

- B-1 The permittee shall submit construction plans and pay corresponding fees to the Development Services Center to ensure conformance with all applicable regulations and policies.

- B-2 The permittee shall (a) identify a specific haul route for excess dirt materials, (b) identify an off-site disposal site for such materials, and (c) submit any other engineering information required to determine the project's conformance with applicable regulations. Such project details shall be subject to the approval of the City Engineer.
- B-3 Before the structure is formed and framed, the project engineer shall submit a letter to the City certifying that the finished pad and floor elevations are consistent with the approved plans.
- B-4 Before the structure is released for occupancy, the project engineer shall submit a letter to the City certifying that it has been constructed in conformance with the approved plans.
- B-5 Before the structure is released for occupancy, front yard landscaping shall be installed.

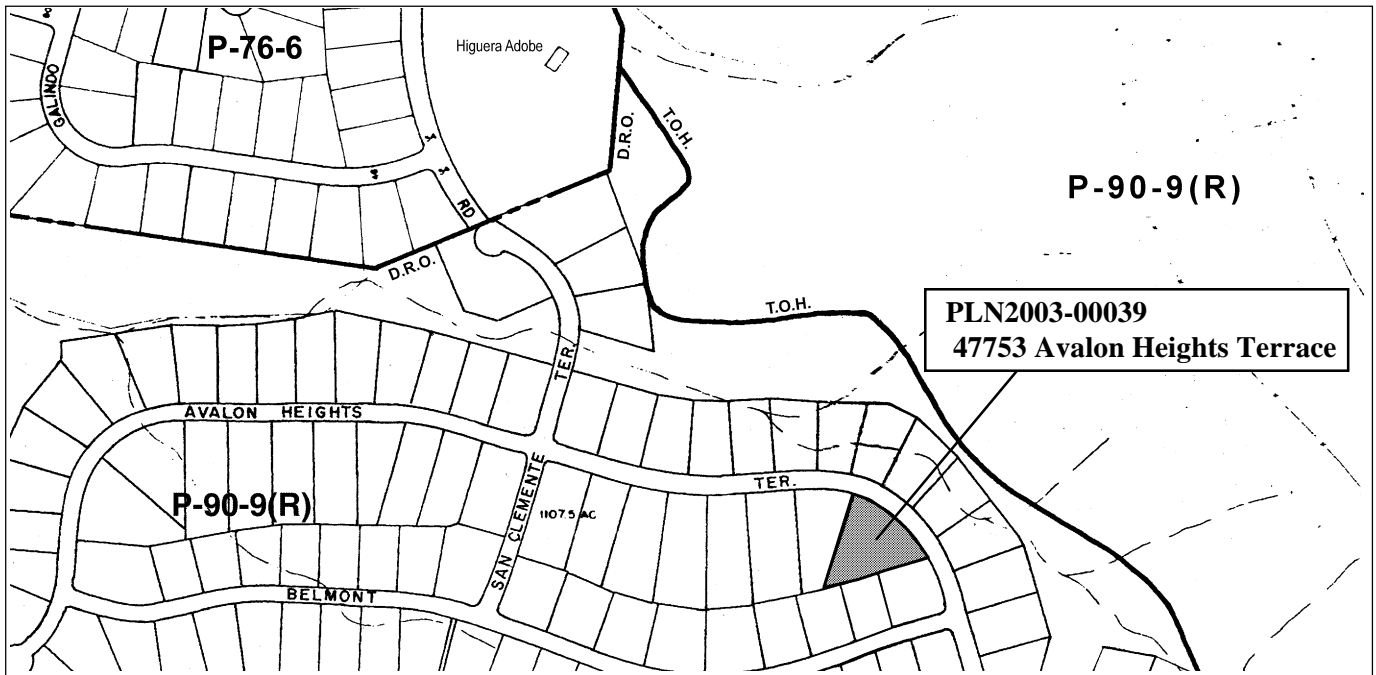
During Construction

- C-1 Construction activities shall occur only during the following hours:
 - 7 a.m. to 7 p.m. Monday through Friday
 - 9 a.m. to 6 p.m. Saturday
- C-2 Hauling of excess dirt materials shall be limited to periods of off-peak traffic during the above hours. Any such hauling on a weekday shall occur between 9 a.m. and 4 p.m.
- C-3 Failure to restrict construction-related activities to the above hours will result in inspections being withheld.

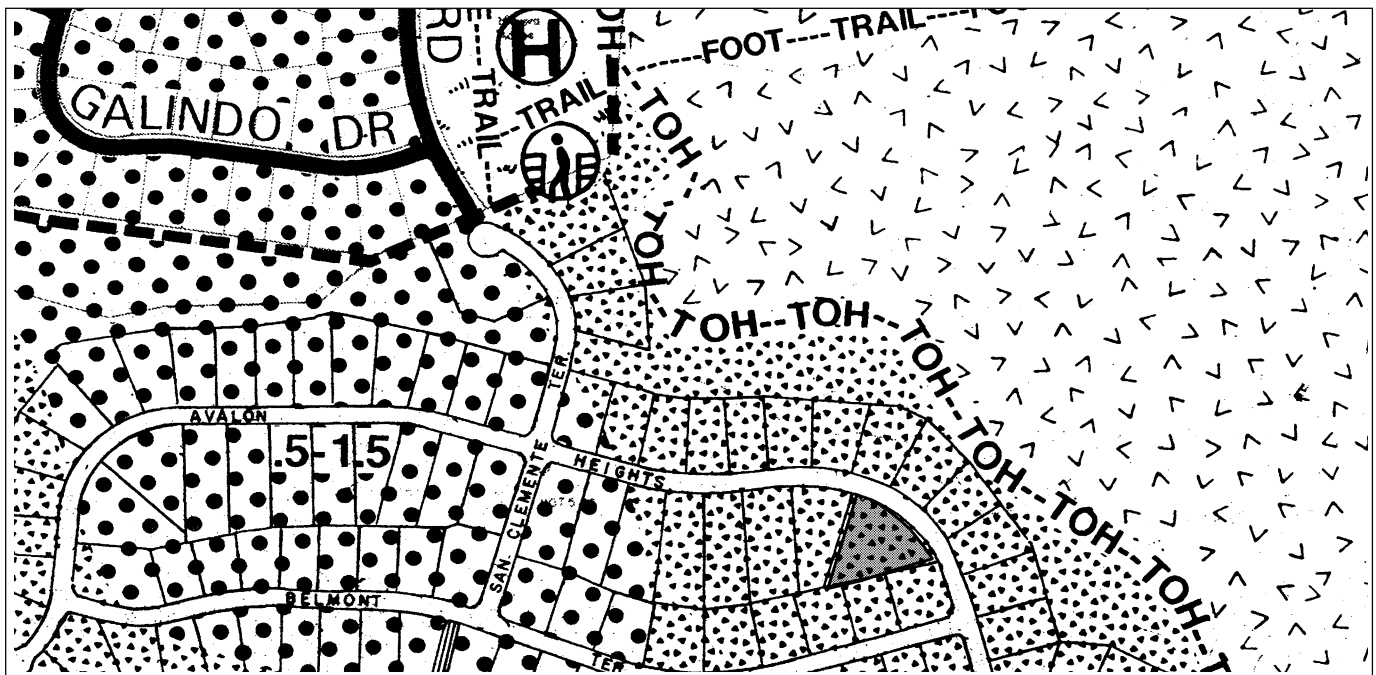
Revocation

- D-1 If the Assistant City Manager (Development and Environmental Services Director) finds evidence that conditions of approval have not been fulfilled or that the use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property or a substantial adverse impact on public facilities or services, he or she may refer this approval to the Planning Commission for review. If, upon such review, the Commission finds that any of the results stated above have occurred, the Commission may modify or revoke this approval.

INFORMATIONAL



Existing Zoning



Existing General Plan

Project Number: PLN2003-00039 (PD Minor Amendment)
Project Name: Milnes Accessory Structure
Project Description: To consider a Planned District Minor Amendment for a (888-square foot accessory structure (including the cellar) on a lot developed with a single-family dwelling located in the Warm Springs Planning Area.

Note: Prior arrangements for access are required for this site.

